

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN TOFTE; CYNTHIA ALDERETTE;

MICHAEL T SMITH,

Plaintiff,

v.

CITY OF LONGVIEW; JORDAN

SANDERS,

Defendant.

Case No. 3:22-cv-05700-TMC

ORDER ON OPENING STATEMENTS


I. ORDER

The Court makes the following rulings on Defendants' objections to Plaintiffs' demonstrative exhibits for opening statements:

1. The objections to the photographs of Justin Tofte (objections 1–4) are **OVERRULED**. Photographs of the decedent are relevant to damages, and it is not unduly prejudicial for the jury to learn about Justin's childhood or family life in a wrongful death case. The Court may sustain objections under Federal Rule of Evidence 403 if at some point the number of photographs becomes cumulative or unduly prejudicial.

3. The objection to the training PowerPoint (objection 7) is **OVERRULED**.
Testimony about Defendants' training is not an impermissible legal conclusion so long as it is presented as evidence of their training and practices and not impermissible testimony about what the law requires.

The Court will rule on the remaining filings by the parties (Dkt. 92, Dkt. 99) from the bench on the first day of trial.


Tiffany M. Cartwright
United States District Judge